

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICHARD DEEDS,

Petitioner,

vs.

RENEE BAKER, et al.,

Respondents.

Case No. 3:13-cv-00715-RCJ-VPC

ORDER

Petitioner, who is in the custody of the Nevada Department of Corrections, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (#1). The court has reviewed the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The court will dismiss three grounds for relief. The court then will serve the petition upon respondents for a response to the remaining grounds.

The petition challenges the denial of parole from one sentence to a consecutive sentence. In grounds 2, 3, and 5, petitioner claims that the denial of parole was the violation of a liberty interest protected by the Due Process Clause of the Fourteenth Amendment. Nevada's parole scheme does not create a protected liberty interest. Moor v. Palmer, 603 F.3d 658, 661-62 (9th Cir. 2010). Because petitioner does not have a protected liberty interest in parole, the court must deny his due process claims. See id. at 662.

Ground 1 is a claim that the denial of parole violated the Equal Protection Clause of the Fourteenth Amendment. Ground 4 is a claim that the denial of parole violated the Ex Post Facto Clause, Article I, Section 9 of the Constitution, which petitioner incorrectly places in the Fourteenth

1 Amendment. The court cannot conclude from the face of the petition that these grounds are without
2 merit. Respondents will need to respond to them.

3 IT IS THEREFORE ORDERED that grounds 2, 3, and 5 of the petition (#1) are
4 **DISMISSED.**

5 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney
6 General for the State of Nevada, as counsel for respondents.

7 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a
8 copy of the petition (#1) and this order. In addition, the clerk shall return to petitioner a copy of the
9 petition.

10 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date
11 on which the petition was served to answer or otherwise respond to the petition. If respondents file
12 and serve an answer, then they shall comply with Rule 5 of the Rules Governing Section 2254 Cases
13 in the United States District Courts, and then petitioner shall have forty-five (45) days from the date
14 on which the answer is served to file a reply.

15 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a
16 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
17 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
18 in the attachment. The hard copy of any additional state court record exhibits shall be
19 forwarded—for this case—to the staff attorneys in Las Vegas.

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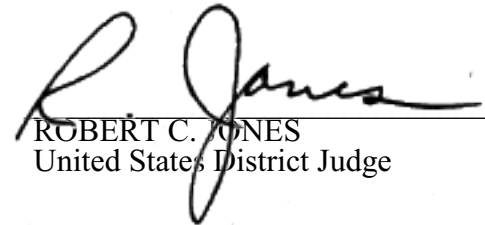
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1 IT IS FURTHER ORDERED that henceforth, petitioner shall serve upon respondents or, if
2 appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion or
3 other document submitted for consideration by the court. Petitioner shall include with the original
4 paper submitted for filing a certificate stating the date that a true and correct copy of the document
5 was mailed to the respondents or counsel for the respondents. The court may disregard any paper
6 received by a district judge or magistrate judge that has not been filed with the clerk, and any paper
7 received by a district judge, magistrate judge, or the clerk that fails to include a certificate of service.

8 Dated: July 7, 2014

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11 ROBERT C. JONES
12 United States District Judge
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